

Federal Cave Resources Protection Act of 1988

An Overview of Provisions

Geoffrey Middaugh

Photo by Jim Goodbar



If we improve the management of our natural resources, we help promote peace."
Wangari Maathai

Why we do, what we do?



Law, Regulation, Policy:

- Tiered relationship:
 - Law
 - Regulation
 - Policy
 - Land Use Plan: How to achieve the law:
Through a land use plan:
 - Allocation and objective.
 - On the ground action or restriction of other actions.

Context of Protection in Law:

- Positive duty to protect significant caves.
- Positive duty to evaluate significance against clear criteria.
- Positive duty to Foster cooperation and exchange information.

Examples:

- Wild and Scenic Rivers Act—outstandingly remarkable values, find and protect.
- ACEC—Relevant and Important values
- **Not** like “Wilderness values”

Sec 2: Purpose & Policy

- Secure , Protect, & Preserve Significant Caves on Federal Lands
- Foster cooperation & exchange of information between Government & cave users

Policy :

- Federal lands will be managed to protect and maintain **significant** caves, to the extent practical.



Sec. 3 Definitions :

- Cave : Any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth.

Including natural pits, sinkholes, or other feature which is an extension of the entrance.

Definitions

- Cave Resources - Any material or substance occurring material in caves on Federal lands such as; animal life, plant life. Paleontological deposits, sediments, minerals, speleogens, & speleothems.



Definition:

- Significant:
 - As determined through a land use plan goal, objective, or allocation, or separate evaluation and decision.
 - By comprehensive policy (True of NPS, but not BLM, except.....)
 - Through NEPA (untested, but likely) e.g.
A significant adverse impact would likely make a cave significant.

Sec. 4 Management Actions

(A) Regulations:

Develop and issue criteria to identify *significant* caves

Achieve through rule making.

Achieve through land use planning (ACEC, allocation, goal or objective)

Achieve through NEPA analysis.

Achieve by administrative action (Interim administrative determination of significance)

Photo by Jim Goodbar

Sec. 4 Management Actions

(B) General

- Use restrictions for significant caves
- Enter into volunteer management Agreements with the scientific and recreational caving community

Sec. 4 Management Actions

(C) Planning & Public Participation

- Consider caves in any land management planning efforts
- Foster communication, cooperation, & exchange of information between land managers and the caving community

Sec. 5 Confidentiality

- (A) Information concerning cave locations are not available through the Freedom of Information Act
- (B) Information may be made available if appropriate

Sec. 6 Collection

- Permits may be issued to collect cave resources if specific information is given; what, when, where, how, how much....
- Permits may be revoked

Sec. 7 Prohibited Acts

- Destroy, disturb, deface, mar, alter, remove, or harm Cave resources.
- Possess, consume, sell, barter, or exchange Cave resources.
- Counsels, procures, solicits, or employs others to violate the law.

Sec. 8 Penalties

- Up to \$10,000 or 1 year imprisonment